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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,239	06/20/2002	Minoru Kawahara	450101-03265	9661

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EXAMINER	
HASAN, SYED Y	

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/070,239	KAWAHARA ET AL.	
	Examiner	Art Unit	
	Syed Y. Hasan	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/18/2005*. SYH
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statements

1. The information disclosure statement filed on 06/20/2002, 02/27/2003 and 09/20/2003 do not have any image exist for this entry. It has not been placed in the application file and the information has not been considered. Note that U.S. patents or U.S. application publications cited in an information disclosure statement may be electronically submitted in compliance with the Office Electronic Filing System (EFS) requirements. Resubmission is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 2, 7, 8, 13 –18 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 2, 4, 5 and 13 –18 of U.S.

Patent No. 6,954,319 in view of being anticipated by J. H. Wilkinson, Sony BPE,U.K. IEE NBSS 6th July, 1999(the article "LINKING ESSENCE AND METADATA IN A SYSTEM ENVIRONMENT")

Regarding claim 1, 2, 7, 8, 13 –18 of this application, claims 1,2, 4, 5, 13 –18 respectively of US Patent No. 6,954,319 recite all the claimed subject matter. However claims 1,2, 4, 5, 13 –18 respectively of US Patent No. 6,954,319 does not disclose UMID.

Wilkinson teaches UMID (page 5, para 3.1,"In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc- based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into claims 1,2, 4, 5, 13 –18 respectively of US Patent No. 6,954,319 system in order to improve the performance in areas where limited storage capacity is available.

4. Claims 3 - 6 and 9 -12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 2, 4, 5 and 13 –18 of U.S. Patent No. 6,954,319 in view of being anticipated by J. H. Wilkinson, Sony BPE,U.K. IEE NBSS 6th July, 1999(the article "LINKING ESSENCE AND METADATA IN A SYSTEM ENVIRONMENT") as applied to claims 1, 2, 7, 8, and 13-18 above, and further in view of Yates et al (US Pub. 2002/0035664 A1).

Regarding claim 3, the proposed combination of claim 1 of US Patent No. 6,954,319 and Wilkinson as discussed above does not specifically discloses the claimed wherein the arranging means puts the UMID into the predetermined data format with omission of a fixed part of the UMID.

Yates et al teaches an apparatus wherein the arranging means puts the UMID into the predetermined data format (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate UMID into the predetermined data format as taught by Yates into the invention of Wilkinson in order to improve performance where storage becomes an issue.

Regarding claim 4, Yates et al. discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format with the UMID being classified according to a predetermined bit flag (page 2, paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage);

Regarding claim 5, Yates et al discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape)

with omission of a common part of the UMID (page 2, paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage) .

Regarding claim 6, Yates et al discloses the apparatus further comprising means for restoring the UMID put in the predetermined data format to the predetermined

standard-defined UMID (page 2, paragraph 32, all information about the packetization required to reassemble the volume for later use is metadata)

Method claims 9 -12 of this application are rejected for the same reasons as discussed in apparatus claims 3 - 6 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al (US Pub. 2002/0035664 A1) in view of Frary (US 6100788) and further in view of being anticipated by J. H. Wilkinson, Sony BPE,U.K. IEE NBSS 6th July, 1999(the article "LINKING ESSENCE AND METADATA IN A SYSTEM ENVIRONMENT")

Regarding claim 1, Yates et al discloses, an information recorder comprising:

means for extracting a predetermined standard-defined UMID buried in material signals to be recorded to a replaceable recording medium (page 2, para 0032, the library management system intercepts the data to be written on a tape when it identifies a metada)

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2,

para 32, the data is stored on a non-volatile memory);

Yates et al fails to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meta data from the tape cartridge.

the writing/reading means writing the UMID extracted by the extracting means to the contactless information storage means as disclosed by Frary (column 3, lines 52-55).

The proposed combination of Yates et al and Frary as discussed does not disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1,"In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc- based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into

Yates et al system in order to improve the performance in areas where limited storage capacity is available.

Regarding claim 2, Yates et al. further discloses the apparatus, further comprising:

means for holding the extracted predetermined standard-defined UMID (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape); and

an arranging means for putting the held UMID into a predetermined data format (page 2, paragraph 32, the blocks of data are "packetized");

the UMID put in the predetermined data format being written to the contactless information storage means by the writing/reading means. (page 2, paragraph 32, the metadata is stored on the non - volatile storage in virtual tape controller).

Regarding claim 3, Yates et al. discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format (page 2, paragraph 32, the virtual tape controller holds the data before sending it to the virtual tape)

with omission of a fixed part of the UMID (page 2, paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage);

Regarding claim 4, Yates et al. discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format with the UMID being classified according to a predetermined bit flag (page 2, paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage);

Regarding claim 5, Yates et al discloses the apparatus wherein the arranging means puts the UMID into the predetermined data format (page 2, paragraph 32, the

virtual tape controller holds the data before sending it to the virtual tape)

with omission of a common part of the UMID (page 2, paragraph 32, part of the metadata, the desired ones, are stored on the non-volatile storage)

Regarding claim 6, Yates et al discloses the apparatus further comprising means for restoring the UMID put in the predetermined data format to the predetermined standard-defined UMID (page 2, paragraph 32, all information about the packetization required to reassemble the volume for later use is metadata)

Regarding claim 13, Yates et al. discloses an information recorder comprising:

means for generating, from information other than material signals to be recorded to a replaceable recording medium, a UMID indicating the material signals (page 2, paragraph 32, the meta data is stored on a non-volatile memory) ; and

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, paragraph 32, the library management system intercepts the data to written on a tape when it identifies a meta data)

the writing/reading means writing the generated UMID to the contactless information storage means (page 2, paragraph 32, the non-volatile storage).

Yates et al. fail to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field

(column 2, lines 62-64);

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Yates et al because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meat data from the tape cartridge.

The proposed combination of Yates et al and Frary as discussed does not disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1,"In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc- based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into Yates et al system in order to improve the performance in areas where limited storage capacity is available.

Regarding claim 14, Yates discloses the apparatus further comprising:

an arranging means for putting the generated UMID into a predetermined data format (page 2, paragraph 32, the blocks of data are "packetized");

the UMID put in the predetermined data format being written to the contactless information storage means by the writing/reading means (page 2, paragraph 32, the metadata is stored on the non - volatile storage in virtual tape controller).

The proposed combination of Yates et al and Frary as discussed does not

disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1,"In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc- based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UMID buried in material signal as taught by Wilkinson into Yates et al system in order to improve the performance in areas where limited storage capacity is available.

Regarding claim 17, Yates discloses an information recording system comprising:

means for writing/reading information to/from a contactless information storage means appended to or incorporated in the replaceable recording medium (page 2, para 0032, the library management system intercepts the data to be written on a tape when it identifies a metada)

Yates et al fail to explicitly disclose the contactless information storage is operative responsively to an electromagnetic field. However this limitation is well known in the art as evidenced by Frary which disclose an information recorder using a storage device that is operative responsively to an electromagnetic field to send or receive information in a contactless manner to or from outside via the electromagnetic field (column 2, lines 62-64);

Therefore, it would have been obvious to one with ordinary skill in the art at the

time the invention was made to modify the device of Yates et al. because Frary teaches the storage device may send or receive information via the electromagnetic field to read and write the meta data from the tape cartridge.

an information recorder for writing, to the contactless information storage means by the writing/reading means (page 2, para 32, the data is stored on a non-volatile memory);

a UMID extracted from material signals to be recorded and indicating the material signals recorded to the recording medium or a UMID generated from information other than the material signals to be recorded to the recording medium and indicating the material signals (page 2, para 0032, the library management system intercepts the data to be written on a tape when it identifies a metada) and

a UMID storage unit for storing a UMID read from the contactless information storage means appended to or incorporated in each of a plurality of recording mediums (Page 2, para 32, part of the data is stored with each extent and part is stored on non-volatile storage in virtual tape controller)

The proposed combination of Yates et al and Frary as discussed does not disclose UMID.

However, Wilkinson teaches UMID (page 5, para 3.1,"In areas where limited storage capacity is available for the essence, metadata can be stored remote from the essence storage on a disc- based server. In this case, the UMID is carried with the essence and the same UMID and the metadata sets are stored on the disc".)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the UMID buried in material signal as taught by Wilkinson into Yates et al system in order to improve the performance in areas where limited storage capacity is available.

Method claims 7 - 12, 15 –16, and 18 are drawn to the method of using the corresponding apparatus claimed in claims 1- 6, 13 –14 and 17 respectively. Therefore method claims 7 – 12, 15 – 16 and 18 corresponding to apparatus claims 1-6, 13 –14 and 17 respectively are rejected for the same reasons of obviousness as used above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Kato et al (US 6611394) discloses a recording medium, tape drive, and method for identifying type of recording medium.

Sezan et al (US 5956458) discloses a system and method for determining representative frames of video captured by a video camera.

Nagasaki et al (US 6195497) discloses an associated image retrieving apparatus and method.

Lim (US 5506689) discloses a time code format circuit.

Muller (US 4626932) discloses a rotating video head switching control system.

Tachi (US 4175267) discloses method and apparatus of inserting an address signal in a video signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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09/25/2006

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